IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9310 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

STATE OF GUJART & 1 - Petitioner(s)

Versus

AMABAI HUSSAIN NODE (WIFE) (WIDOW OF HUSSAIN RAMZAN NODE) - Respondent(s)

==========

Appearance :
MR KL PANDYA A.G.P. for Petitioner No(s).: 1,2.
MR MUKESH H RATHOD for Respondent No(s).: 1 - 1.
==========

CORAM : HON'BLE MR JUSTICE KS JHAVERI
Date : 18/07/2005

ORAL JUDGMENT

1. This petition is directed against the judgment and order dated Nil March, 1998 passed in Reference [L.C.G.] No. 85 of 1996 whereby the Labour Court has

directed the petitioner to reinstate the respondent on his original post with continuity in service along with 50% back wages.

2. The short facts of the case are that the respondent was working as a daily wager with the petitioner. The respondent was relieved from the service w.e.f. 10th April, 1988, without following any procedure under the Industrial Disputes Act, 1947. Feeling aggrieved by the said action of the petitioner, the respondent raised an industrial dispute which was ultimately referred to the Labour Court, Rajkot for adjudication. The Labour Court after appreciating the materials produced before it, passed the impugned award. Hence, this petition.

3. Mr. Mukesh Rathod learned advocate appearing for the respondent has stated that the respondent herein has expired on 22nd April, 2001 and that the legal heirs are not on record.

4. I have heard the learned counsel for the parties. While the matter, this Court vide order 21st February, 2000 had stayed the implementation of of the

impugned award subject to compliance of Section 17B of the Industrial Disputes Act, 1947. Since the respondent herein has expired the only question which is now required to be considered by this Court is with regard to grant of back wages. In my opinion, ends of justice would be served, if some compensation is paid to the legal heirs of the deceased respondent in lieu of back wages and other benefits pursuant to the award of the Labour Court.

5. Hence, in my opinion, an amount of Rs.35,000=00 by way of compensation to the legal heirs of the deceased workman in lieu of back wages and other benefits pursuant to the award of the Labour Court would suffice.

6. In above view of the matter the petitioner is directed to pay an amount of Rs.35,0000 to the legal heirs of the deceased workman, in lieu of the full and final settlement towards the impugned award of the Labour Court, within a period of two months from the date of receipt of writ of this Court. It is clarified that the said amount of Rs.35,000=00 is in lieu of back wages and other benefits pursuant to the award of the Labour Court.

7. With the above observations and directions the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/